



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

SEP 3 0 2008

REPLY TO THE ATTENTION OF

(AE-17J)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Jan Utrecht, Director
University of Cincinnati
Two Edwards Center, Room 2310
51 West Corry Street ML 0218
Cincinnati, Ohio 43616

Dear Mr. Utrecht:

Enclosed is U.S. Environmental Protection Agency Administrative Order
Number EPA-5-08-113(a)-OH-06.

Please direct any questions regarding this Order to Julie Morris at
(312) 886-0863.

Sincerely,

A handwritten signature in black ink that reads "William L MacDowell".

William MacDowell
Chief

Air Enforcement and Compliance Assurance Section (MN/OH)

Enclosure

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:)	EPA-5-08-113(a)-OH-06
)	
University of Cincinnati)	Proceeding Under Section 113(a)(1)
Cincinnati, Ohio)	of the Clean Air Act
)	42 U.S.C. §§ 7413(a)(1)
)	
_____)	

Administrative Order

1. The Director of the Air and Radiation Division, U.S. Environmental Protection Agency Region 5, is issuing this Order to University of Cincinnati under Section 113(a)(1) of the Clean Air Act (Act), 42 U.S.C. §§ 7413(a)(1).

2. Section 113(a)(4) of the Act, 42 U.S.C. § 7413(a)(4), states that an Order shall not take effect until the person to whom it is issued has had an opportunity to confer with U.S. EPA about the alleged violation. On September 6, 2006, U.S. EPA issued to University of Cincinnati a Notice and Finding of Violation (NOV/FOV) alleging the violations that are the subject of this Order. In the September 6, 2006, NOV/FOV, U.S. EPA offered University of Cincinnati the opportunity to confer and discuss the alleged violations. On December 5, 2006, representatives of University of Cincinnati and U.S. EPA discussed the September 6, 2006, Notice and Finding of Violation. By this Order, U.S. EPA is giving University of Cincinnati the additional opportunity to confer with U.S. EPA concerning this Order. University of Cincinnati may schedule a conference with U.S. EPA by calling Julie Morris at (312) 886-0863 within ten days of University of Cincinnati's receipt of this Order.

3. This Order shall be effective on the date immediately after the Parties have conferred, or alternatively, if no conference is requested or held by University of Cincinnati

within the time specified in this Order, this Order shall take effect after the lapse of such time.

Statutory and Regulatory Background

4. Each state must submit to the Administrator of EPA a plan for attaining and maintaining the National Ambient Air Quality Standards under Section 110 of the Act, 42 U.S.C. § 7410.

5. Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), states that, after the effective date of any permit program approved or promulgated under Title V of the CAA, no source subject to Title V may operate the source except in compliance with its Title V permit.

6. EPA granted full approval to the Ohio Title V operating permit program on August 15, 1995. The program became effective on October 1, 1995. 60 Fed. Reg. 42045.

7. 40 CFR § 70.7(b) states that no source subject to Title V may operate the source except in compliance with a Title V permit.

8. On January 23, 2003, EPA approved OAC 3745-31-02 as part of the federally enforceable Ohio SIP. 68 Fed. Reg. 2909 (effective March 10, 2003).

9. OAC 3745-31-02, states, among other things, no person shall cause, permit, or allow the installation of a new source of air pollutants or cause, permit, or allow the modification of an air contaminant source, without first obtaining a permit to install from the director.

10. On March 10, 2003, EPA approved OAC 3745-31-05(A)(3) as part of the federally enforceable Ohio SIP. 68 Fed. Reg. 2909.

11. OAC 3745-31-05(A)(3) states, among other things, the director shall issue a permit to install or plan approval if he determines that the installation or modification and operation of the air contaminant source will employ the best available technology.

12. On May 27, 1994, EPA approved OAC Chapter 3745-17-07(A)(1) as part of the federally enforceable Ohio SIP. 59 Fed. Reg. 27464 (effective June 27, 1994).

13. OAC 3745-17-07(A)(1)(a) requires that visible particulate emissions from any stack shall not exceed twenty percent opacity, as a six-minute average. The visible particulate emissions from any stack may exceed 20% opacity, as a six-minute average, for not more than six consecutive minutes in any sixty minutes, but shall not exceed 60% opacity, as a six-minute average, at any time.

14. Under Section 113(a)(1) of the Act, 42 U.S.C. § 7413(a)(1), the Administrator of EPA may issue an order requiring compliance to any person who has violated or is violating a SIP. The Administrator has delegated this authority to the Director of the Air and Radiation Division.

Findings

15. University of Cincinnati owns and operates one coal-fired boiler and two natural gas-fired turbines at 3001 Vine Street, Cincinnati, Ohio. These include Boiler B108, and Turbines P003 and P004.

16. Ohio EPA issued University of Cincinnati Permit to Install No. 14-05108 on August 15, 2002, and modified it on August 25, 2005, for P003 and P004, in accordance with OAC 3745-31-02 and OAC 3745-31-05 of the Ohio SIP.

17. On June 20, 2001, Ohio EPA issued a final Title V permit numbered 14-31-07-0849 to University of Cincinnati, with an effective date of June 20, 2001 (Title V Permit No. 14-31-07-0849).

18. On September 6, 2006, EPA issued to University of Cincinnati a Notice and Finding

of Violation alleging that it exceeded its opacity emission limitation for Boiler B108 and its NO_x, and CO emission limitations for P003 and P004 in violation of Section 502(a) of the CAA, 40 CFR § 70.7(b), OAC 3745-17-07, Title V Permit No. 14-31-07-0849, and PTI No. 14-05108.

19. University of Cincinnati failed to maintain continuous compliance with the applicable opacity emission limits at Boiler B108 during, at least, calendar years 2004 and 2005.

20. University of Cincinnati failed to maintain continuous compliance with the applicable NO_x and CO emission limits at Turbines P003 and P004 during, at least, calendar years 2004 and 2005.

21. On December 5, 2006, representatives of University of Cincinnati and EPA discussed the September 6, 2006, Notice and Finding of Violation.

22. On October 5, 2007, University of Cincinnati installed a dual range/span CEM monitor for P003 and P004 to further quantify startup emissions.

23. On June 12, 2008, Ohio EPA modified PTI No. 14-05108 for Turbines P003 and P004 to account for startup and shut down emissions.

24. On February 15, 2008, Ohio EPA notified EPA that University of Cincinnati submitted notification that P003 and P004 would be shut down on January 12, 2008, for an indefinite period of time.

Compliance Program

25. By the effective date of this Order, University of Cincinnati must achieve, demonstrate, and maintain continuous compliance with the terms of its Title V Permit No. 14-31-07-0849 and PTI No. 14-05108.

26. University of Cincinnati must operate and maintain the dual range/span CEM monitor for P003 and P004 to continuously monitor and record CO and NOx in units of the applicable standard, in accordance with the terms of Part III(A)(III) of PTI No. 14-05108.

27. During the effective period of this Order, University of Cincinnati must provide copies of quarterly excess emission reports for B108, P003, and P004 in accordance with the terms of Part III(A)(IV) in its Title V Permit No. 14-31-07-0849 and Part III(A)(IV) of PTI No. 14-05108.

28. During the effective period of this Order, University of Cincinnati must provide copies of annual reports which specify the total NOx, SO2, PM and CO emissions for B108, P003, and P004 for the previous calendar year in accordance with the terms of Part III(A)(IV) in its Title V Permit No. 14-31-07-0849 and Part III(A)(IV) of PTI NO. 14-05108.

29. University of Cincinnati must send all reports required by this Order to:

Attention: Compliance Tracker (AE-17J)
Air Enforcement and Compliance Assurance Branch
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

General Provisions

30. This Order does not affect University of Cincinnati's responsibility to comply with other federal, state, and local laws.

31. This Order does not restrict EPA's authority to enforce the Ohio SIP, or any other section of the Act.

32. Nothing in this Order limits the EPA's authority to seek appropriate relief, including penalties, under Section 113 of the Act, 42 U.S.C. § 7413, for University of Cincinnati's

violation of the Ohio SIP.

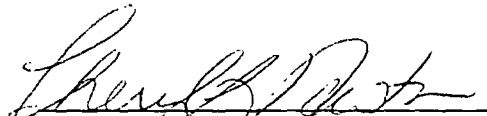
33. Failure to comply with this Order may subject University of Cincinnati to penalties of up to \$32,500 per day for each violation under Section 113 of the Act, 42 U.S.C. § 7413.

34. The terms of this Order are binding on University of Cincinnati, its assignees and successors. University of Cincinnati must give notice of this Order to any successors in interest prior to transferring ownership and must simultaneously verify to EPA, at the above address, that it has given the notice.

35. EPA may use any information submitted under this Order in an administrative, civil judicial, or criminal action.

36. This Order is effective on the date of signature by the Director of the Air and Radiation Division. This Order will terminate one year from the effective date, provided that University of Cincinnati has complied with all terms of the Order throughout its duration.

9/29/08
Date


Cheryl L. Newton, Acting Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent the Administrative Order, EPA Order No.

EPA-5-08-113(a)-OH-06, by Certified Mail, Return Receipt Requested, to:

Jan Utrecht, Director
University of Cincinnati
Two Edwards Center, Room 2310
51 West Corry Street ML 0218
Cincinnati, Ohio 43616

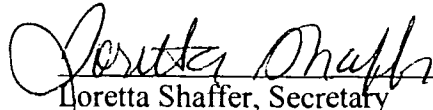
I also certify that I sent a copy of the Administrative Consent Order, EPA Order No.

EPA-5-08-113(a)-OH-06, by First Class Mail to:

Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency
Lazarus Government Center
P.O. Box 1049
Columbus, Ohio 43216-1049

Cory Chadwick, Director
Hamilton County Environmental Services
Air Quality Programs
250 William Taft Road
Cincinnati, Ohio 45219

on the 30 day of Sept 2008.


Loretta Shaffer, Secretary
AECAS(MN/OH)

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0005 8919 0979